

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

VIRTAMOVE, CORP.,	§ Case No. 2:24-cv-00093-JRG
Plaintiff,	§ (Lead Case)
v.	§
HEWLETT PACKARD ENTERPRISE COMPANY,	§
Defendant.	§
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VIRTAMOVE, CORP.,	§ Case No. 2:24-cv-00064-JRG
Plaintiff,	§ (Member Case)
v.	§
INTERNATIONAL BUSINESS MACHINES CORP.,	§
Defendant.	§
	§
	§

**DECLARATION OF NATHANIEL NGEREBARA IN SUPPORT OF DEFENDANT INTERNATIONAL BUSINESS MACHINES CORP.'S OPPOSITION TO PLAINTIFF VIRTAMOVE'S MOTION FOR SUMMARY JUDGMENT OF DEFENDANT IBM'S SIXTH, SEVENTH, EIGHTH AND ELEVENTH AFFIRMATIVE DEFENSES**

I, Nathaniel Ngerebara, hereby declare:

1. I am a partner at Kirkland & Ellis LLP, counsel of record for Defendant International Business Machines Corp. ("IBM") in the above-captioned action. I make this declaration based on my personal knowledge and review of the documents referenced herein. If called to testify, I could and would testify competently to the matters set forth below.
2. Attached as **Exhibit 1** is a true and correct copy of a production document from IBM, bearing beginning bates IBM\_VM\_000193145.

3. Attached as **Exhibit 2** is a true and correct copy of a production document from IBM, bearing beginning bates IBM\_VM\_000193155.
4. Attached as **Exhibit 3** is a true and correct copy of a production document from IBM, bearing beginning bates IBM\_VM\_000193149.
5. Attached as **Exhibit 4** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0028702.
6. Attached as **Exhibit 5** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0024666.
7. Attached as **Exhibit 6** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0024807.
8. Attached as **Exhibit 7** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0024814.
9. Attached as **Exhibit 8** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0024816.
10. Attached as **Exhibit 9** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0024866.
11. Attached as **Exhibit 10** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0025914.
12. Attached as **Exhibit 11** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_PA\_0000061.
13. Attached as **Exhibit 12** is a true and correct copy of excerpts from the Donn Rochette Deposition Transcript, dated May 5, 2025.

14. Attached as **Exhibit 13** is a true and correct copy of excerpts from the Paul O'Leary Deposition Transcript, dated May 15, 2025.

15. Attached as **Exhibit 14** is a true and correct copy of excerpts from the Dean Huffman Deposition Transcript, dated May 23, 2025.

16. Attached as **Exhibit 15** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0026745.

17. Attached as **Exhibit 16** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0024635.

18. Attached as **Exhibit 17** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0026132.

19. Attached as **Exhibit 18** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0024810.

20. Attached as **Exhibit 19** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0024840.

21. Attached as **Exhibit 20** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0023062.

22. Attached as **Exhibit 21** is a true and correct copy of excerpts from the Opening Expert Report of IBM's Expert, Mr. Robert Stoll, dated June 23, 2025.

23. Attached as **Exhibit 22** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0001330.

24. Attached as **Exhibit 23** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0036109.

25. Attached as **Exhibit 24** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0036108.
26. Attached as **Exhibit 25** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0036021.
27. Attached as **Exhibit 26** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0036020.
28. Attached as **Exhibit 27** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0036533.
29. Attached as **Exhibit 28** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0029997.
30. Attached as **Exhibit 29** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0029919.
31. Attached as **Exhibit 30** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0029923.
32. Attached as **Exhibit 31** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0030007.
33. Attached as **Exhibit 32** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_0000435.
34. Attached as **Exhibit 33** is a true and correct copy of a production document from VirtaMove, bearing beginning bates IBM\_VM\_000092622.
35. Attached as **Exhibit 34** is a true and correct copy of excerpts from the Greg O'Connor Deposition Transcript, dated May 15, 2025.

36. Attached as **Exhibit 35** is a true and correct copy of excerpts from the Nigel Stokes Deposition Transcript, dated May 21, 2025.

37. Attached as **Exhibit 36** is a true and correct copy of a production document from IBM, bearing beginning bates IBM\_VM\_000092769.

38. Attached as **Exhibit 37** is a true and correct copy of a production document from IBM, bearing beginning bates IBM\_VM\_000092791.

39. Attached as **Exhibit 38** is a true and correct copy of a production document from IBM, bearing beginning bates IBM\_VM\_000092794.

40. Attached as **Exhibit 39** is a true and correct copy of a production document from IBM, bearing beginning bates IBM\_VM\_000094157.

41. Attached as **Exhibit 40** is a true and correct copy of the Declaration of Walter Falk In Support Of IBM's Motion for Summary Judgment, dated July 25, 2025.

42. Attached as **Exhibit 41** is a true and correct copy of excerpts from the Walter Falk Deposition Transcript, dated May 13, 2025.

43. Attached as **Exhibit 42** is a true and correct copy of excerpts from the Michael Dorosh Deposition Transcript, dated May 27, 2025.

44. Attached as **Exhibit 43** is a true and correct copy of an email correspondence from me to Daniel Kolko (counsel for VirtaMove) regarding 30(b)(6) Topic Designations for Andy Wojnicki, dated May 9, 2025.

45. Attached as **Exhibit 44** is a true and correct copy of excerpts from the Paul O'Leary Deposition Transcript, dated May 14, 2025.

46. Attached as **Exhibit 45** is a true and correct copy of excerpts from the Dean Huffman Deposition Transcript, dated May 21, 2025.

47. Attached as **Exhibit 46** is a true and correct copy of VirtaMove's Objections and Responses to IBM's 2nd Set of Requests for Admissions (Nos. 36-40), dated May 29, 2025.

48. Attached as **Exhibit 47** is a true and correct copy of excerpts from the Mac Devine Deposition Transcript, dated May 29, 2025.

49. Attached as **Exhibit 48** is a true and correct copy of excerpts from the Opening Expert Report of Stephen B. Wicker Regarding U.S. Patent Nos. 7,519,814 and 7,784,058, dated June 23, 2025.

50. Attached as **Exhibit 49** is a true and correct copy of a production document from VirtaMove, bearing beginning bates VM\_IBM\_001609.

51. My firm has applied highlighting to Exhibits 1-7, 9-10, 12-13, 15, 17, 19, and 41-42 consistent with the guidance in Local Rule CV-7(b) and CV-56(d).

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 11, 2025 in San Francisco, CA.

/s/ Nathaniel Ngerebara  
Nathaniel Ngerebara

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3) on August 11, 2025.

*/s/ Todd M. Friedman*

Todd M. Friedman